

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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<b>MARTIN DAVID HOYLE et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 2:21-cv-02512-JPM-tmp</b>
	)	
<b>MICHELLE K. LEE et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

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**JOINT MOTION TO EXTEND TIME TO RESPOND TO THE COMPLAINT, SET A  
BRIEFING SCHEDULE ON DEFENDANTS' MOTION TO DISMISS, AND FOR  
LEAVE TO FILE EXCESS PAGES**

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Plaintiffs Martin David Hoyle and B.E. Technology, L.L.C. (“plaintiffs”) and Defendants Michelle K. Lee, James Donald Smith, James T. Moore, Sally C. Medley, Kalyan K. Deshpande, and Lynne E. Pettigrew, as sued in their individual capacity (“defendants”) (collectively with plaintiffs, “the parties”), respectfully move this Court to establish the below deadlines and briefing schedule on defendants’ planned combined motion to dismiss the complaint. This schedule would include extensions of time for defendants to respond to the complaint, for plaintiffs to oppose defendants’ planned motion to dismiss, and for defendants to file reply papers. The parties also respectfully move this Court for leave to file excess pages on their respective submissions in support of and opposition to the dismissal motion as outlined below.

Service of the summons and complaint is complete on defendants, as some were served and, regardless, defendants’ counsel has accepted service on behalf of all of them. Defendants intend to respond to plaintiffs’ complaint by filing a single motion to dismiss with an enlarged page limit on behalf of all six individual defendants, thereby avoiding the filing of multiple and partially duplicative motions on separate deadlines. In addition, plaintiffs request a reasonable extension of time in which

to file opposition papers with an extended page limit, and defendants seek the same with respect to the time to file reply papers.

Currently, under the Federal Rules of Civil Procedure and the Local Rules, defendant Lee's response to the complaint or motion to dismiss is due on or about October 18, 2021, with plaintiffs' opposition due on or about November 15, 2021, and defendant Lee's reply due on or about November 29, 2021. Defendant Moore's response to the complaint or motion to dismiss is due on or about November 12, 2021, with plaintiffs' opposition due on or about December 10, 2021, and defendant Moore's reply due on or about December 24, 2021. Defendant Medley's response to the complaint or motion to dismiss is due on or about October 22, 2021, with plaintiffs' opposition due on or about November 18, 2021, and defendant Medley's reply due on or about December 2, 2021. Defendant Smith's response to the complaint or motion to dismiss is due on or about November 22, 2021, with plaintiffs' opposition due on or about December 20, 2021, and defendant Smith's reply due on or about January 3, 2022. Defendant Deshpande's response to the complaint or motion to dismiss is due on or about November 22, 2021, with plaintiffs' opposition due on or about December 20, 2021, and defendant Deshpande's reply due on or about January 3, 2022. Defendant Pettigrew's response to the complaint or motion to dismiss is due on or about November 1, 2021, with plaintiffs' opposition due on or about November 29, 2021, and defendant Pettigrew's reply due on or about December 13, 2021.

The parties have conferred and agree that it would be more efficient and promote judicial economy to file one consolidated motion to dismiss on behalf of all individual defendants rather than six separate motions on different dates. Indeed, the proposed consolidated filings would offer substantial economies of space compared to filings on six separate motions which would total up to 300 pages. Furthermore, based on the scope and nature of the claims and litigation to date, as well as the need to address the claims against each of the six defendants, both sides anticipate that briefing on this dismissal motion will require more time and pages than allotted under the local rules for a single

set of briefs. The proposed briefing schedule, extensions of time, and extensions of page limits will enable reasonable time and space for the parties to prepare motion, opposition, and reply papers that fully address the issues for all six defendants.

Accordingly, the parties respectfully request that the Court establish the following briefing schedule and page limits:

- (1) A Response to the Complaint or Motion to Dismiss the Complaint for the six defendants due November 29, 2021, with a page limit of 40 pages;
- (2) Plaintiffs' Opposition to Motion to Dismiss due January 18, 2022, with a page limit of 40 pages; and
- (3) Defendants' Reply due February 8, 2022, with a page limit of 15 pages.

The parties jointly and respectfully request that the Court enter the attached proposed order.

DATE: October 6, 2021

Respectfully submitted,

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**CERTIFICATE OF CONSULTATION**

I certify that counsel for Defendants and counsel for Plaintiffs conferred via telephone and email regarding the relief requested in this Motion, and counsel for both parties consent to the relief requested in this Motion.

*s/ John B. F. Martin*